

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-5 remain pending, wherein claim 2 has been amended.

Applicant appreciates the Examiner's allowance of claims 1, and the indication that claims 4 and 5 contain allowable subject matter.

Applicant notes with appreciation the Examiner's acknowledgement of Applicant's claim for foreign priority and that the certified copy of the priority document has been received. Applicant also notes with appreciation the Examiner's consideration of the document cited in the Information Disclosure Statement filed on May 15, 2002.

Claim 2 is objected to for minor informalities. Claim 2 has been amended to address the informalities identified in the Office Action. Accordingly, withdrawal of this objection is respectfully requested.

Claims 2 and 3 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,704,555 to Sih et al. ("Sih"). This ground of rejection is respectfully traversed.

Sih does not anticipate Applicant's claims 2 and 3 because Sih is not prior art with respect to claims 2 and 3. Specifically, the effective filing date of Sih is January 9, 2001, the filing date of the provisional application from which Sih

claimed priority. However, the subject matter of claims 2 and 3 was invented prior to January 9, 2001, and diligently reduced to practice on February 15, 2001.

In support of Applicant's invention of the subject matter of claims 2 and 3 prior to January 9, 2001, and diligent reduction to practice on February 15, 2001, attached please find a Declaration under 37 C.F.R. § 1.131 executed by Mr. Shinichi Mizoo, General Manager of the Intellectual Property Department of Funai Electric Co., Ltd., (assignee of the present application). Also enclosed is a copy of an In-Company Request for Patent/Utility Model Application by the inventor of the present application, which was received by the assignee of the present application on November 8, 2000. A translated version of the Request is also enclosed. In accordance with M.P.E.P. § 715.04 (I) D., the Declaration under 37 C.F.R. § 1.131 is being executed a representative of the assignee, because it is not possible to produce a declaration by the inventor of the present application, who cannot currently be located.

It is respectfully submitted that the In-Company Request for Patent/Utility Model Application fully discloses the subject matter of claims 2 and 3. Specifically, the Request includes a drawing of a receiving device used in high-definition television. The illustrated receiving device includes a receiver, an oscillator, tuner (TUNER), filter and demodulator (DEMODULATING CIRCUIT). The receiver, oscillator, and filter are inherent, based on the

description in the Objects section that the invention solves problems in digital television receivers where “an error in local oscillation frequency at a tuner can make reception of signals impossible or time-consuming.”

With regard to the memory recited in claims 2 and 3, the Request discloses “a memory for storing frequency deviation information so as to store information about deviation between the frequency of detected reference signals and a proper reference frequency.” The Effects section of the Request describes “changing settings on a tuner based on deviation information stored in a memory” and the drawing illustrates a CPU, which corresponds to the control unit recited in claims 2 and 3. With regard to the frequency deviation measuring section recited in claim 3, the drawing illustrates a “REFERENCE SIGNAL FREQUENCY DEVIATION MEASUREMENT” component and the Description, Embodiments section describes “a circuit to detect reference signals and measure a reference signal frequency deviation.” Accordingly, it is respectfully submitted that the subject matter recited in claims 2 and 3 are fully supported by the Request.

As discussed in paragraph 6 of the Declaration, the Request was received by the assignee on November 8, 2000. On December 15, 2000, a decision was made for evaluation, and for the preparation of Japanese Patent Application No. 2001-38948, the priority of which was claimed by the above-identified U.S. application. The Declaration also makes clear that the assignee was diligent from just prior to January 9, 2001 to the filing date of Japanese Patent

Application No. 2001-38948 on February 15, 2001. This diligence is evidenced in the Declaration as the preparation of the description and drawings of Japanese Patent Application No. 2001-38948.

Because the Applicant has established that the present invention was conceived at least as early as November 8, 2000, and that the Applicant was diligent from just prior to January 9, 2001 to February 15, 2001, the filing date of Japanese Patent Application No. 2001-38948, it is respectfully submitted that Sih is not prior art with respect to claims 2 and 3 of the present application. Accordingly, it is respectfully requested that the rejection of claims 2 and 3 as allegedly being anticipated by Sih be withdrawn.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Serial No. 10/075,587
Amendment Dated: March 2, 2005
Reply to Office Action

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010482.50929).

March 2, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey D. Sanok", is written over a horizontal line.

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